

# EPA's Proposed Revisions to the Applicator Certification Rule

<http://www2.epa.gov/pesticides>



# CERTIFICATION OVERVIEW

- ▶ The federal Certification of Pesticide Applicators Rule has been in place since 1974
  - ▶ Establishes requirements for determining the competency of applicators of restricted use pesticides (RUPs)
- ▶ The Certification rule covers private applicators, commercial applicators, and those using RUPs under their direct supervision
  - ▶ Private applicators account for 53% of the total certified applicator population and commercial applicators make up the remaining 47%

# TIMELINE

~ 10 years ago  
states requested  
EPA review FIFRA

Over that time EPA  
collected data from states,  
industry and interested  
parties regarding  
requesting changes

August 2015 EPA  
releases proposed  
changes

November 23, 2015  
deadline for comments-  
30 day extension was  
granted

December 23, 2015  
deadline for  
comments

Expected adoption of  
proposed C&T (with  
possible adjustments)  
late 2016 early 2017

# REASONS FOR RULE CHANGE

- ▶ The Agency is proposing revisions to the existing certification regulation to:
  - ▶ reduce occupational pesticide exposure and the incidence of related illness
  - ▶ ensure that when used according to their labeling, RUPs do not cause unreasonable adverse effects to applicators, workers, the public, or the environment
  - ▶ address negative environmental impacts
- ▶ Factors that prompted EPA to propose changes to the current rule
  - ▶ Changing nature of pesticide labeling
  - ▶ Risks associated with specific methods for applying pesticides
  - ▶ Adverse human health and ecological incidents
  - ▶ Inadequate protections for noncertified applicators of RUPs
  - ▶ Uneven regulatory landscape
  - ▶ Outdated and obsolete provisions in the rule related to the administration of certification programs by Tribes and Federal agencies

# CURRENT REGULATION

## ▶ Private Applicator Competency

- ▶ Determine competency by attending a training course or passing a written exam
- ▶ Competency standards are general
- ▶ Non-readers can be certified using special procedures

## ▶ Commercial Applicator Competency

- ▶ Determine competency by passing exams – core and each category of application
- ▶ Core competency standards are detailed – cover 11 major points and many sub-points
- ▶ Federal categories cover variety of application sites – plant and animal agriculture, forestry, ornamental and turf, seed treatment, aquatic, right-of-way, structural, public health, regulatory, demonstration and research



## ENHANCED PRIVATE APPLICATOR COMPETENCY STANDARD WOULD BE PARALLEL TO THE CORE STANDARDS FOR COMMERCIAL APPLICATORS

- ▶ Label and labeling comprehension
- ▶ Safety
- ▶ Environment
- ▶ Pests
- ▶ Pesticides
- ▶ Equipment
- ▶ Application methods
- ▶ Laws and regulations
- ▶ Responsibilities for supervisors of noncertified applicators; stewardship; and agricultural pest control

# PROPOSED CHANGES: PRIVATE APPLICATORS COMPETENCY

## Existing Rule

- ▶ Private applicator certification can be done by written or oral exam, or other method approved as part of the State certification plan

## Proposed Revision

- ▶ Private applicators must either attend a training program covering the mandatory competency standards or pass a written closed-book exam



# PROPOSED CHANGES: PRIVATE APPLICATORS COMPETENCY

## Existing Rule

- ▶ States can offer an alternative, product-specific certification process for persons who cannot read

## Proposed Revision

- ▶ No “non-reader” option for persons who cannot read to obtain certification to use specific RUPs





# PROPOSED CHANGES: CATEGORIES FOR PRIVATE & COMMERCIAL APPLICATORS

## Existing Rule

- ▶ No additional certification required to use certain application methods that may present higher risks if not conducted properly

## Proposed Revision

- ▶ **Establish categories for private and commercial applicators performing:**
  - ▶ Aerial application , Soil fumigation, Non-soil fumigation
  - ▶ Sodium fluoroacetate in livestock protection collars and sodium cyanide delivered through M-44 devices

# PROPOSED CHANGES: EXAM/TRAINING SECURITY REQUIREMENTS

## Existing Rule

- ▶ No requirement to present identification at exam or training sessions. Competency for commercial applicators must be determined on the basis of written examination. EPA policy requires that all certification exams be closed book and proctored

## Proposed Revision

- ▶ **Require candidates to present identification for initial and recertification exams and training sessions**
- ▶ **Codify policy requiring all exams to be closed book and proctored**



# PROPOSED CHANGES: NONCERTIFIED APPLICATORS

## Existing Rule

- ▶ Noncertified applicators must be competent to use RUPs. No specific training requirements. For specific applications, the certified applicator must provide verifiable instructions including detailed guidance for applying the pesticide

## Proposed Revision

- ▶ **Noncertified applicators must receive annual training** on safe pesticide application and protecting themselves and others from pesticide exposure (similar to WPS handler training).
- ▶ Noncertified applicator training can only be provided by one of the following:
  - ▶ A currently certified applicator
  - ▶ A State-designated trainer of certified applicators
  - ▶ A person who has completed a train-the-trainer course under the

WPS



# PROPOSED CHANGES: NONCERTIFIED APPLICATORS

## Existing Rule

- ▶ No commercial applicator recordkeeping required related to providing verifiable instructions to noncertified applicators

## Proposed Revision

- ▶ **Require commercial applicators to maintain records of noncertified applicators' training that include:** the trained noncertified applicator's printed name and signature, the date of the training, the name of the person who provided the training, and the supervising commercial applicator's name

# PROPOSED CHANGES: MINIMUM AGE FOR CERTIFIED & NONCERTIFIED APPLICATORS

## Existing Rule

- ▶ No minimum age requirement

## Proposed Revision

- ▶ **Persons must be at least 18 years old to be certified as a commercial or private applicator**
- ▶ **Persons must be at least 18 years old to qualify as a noncertified applicator using RUPs under the direct supervision of a commercial or private applicator**



# PROPOSED CHANGES: STANDARDS FOR RECERTIFICATION

## Proposed Revision

- ▶ One continuing education unit (CEU) is 50 minutes of active training time.
- ▶ Require all applicators to renew their certification (recertify) at least every 3 years
- ▶ To renew their certification, private applicators must earn 6 CEUs covering the general private applicator certification requirements and 3 CEUs per category of certification, or they must pass written exams for general private applicator certification and each category of certification.
- ▶ Applicators must earn at least half of the required CEUs in the 18 months preceding the expiration of their certification



# QUESTIONS?

